IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 22888 of 2001

Between:

1. The Mahila Vikasa Mutually Aided Co-operative

Thrift Society Ltd., Rep By Its Cheif Executive Officer
V.V.Suryanarayana R/o D.No.6/1.
2. C.Nanda Kishore S/o Late C.Subbanna
R/o D.No.6/2-1
3. M.Buddisagar Raju S/o M.L. Venkata Ramana Raju
R/o D.No.6/4 & 6/5.
4. S.Lakshmi Devi W/o Soma Sekhar
R/o D.No.6/6 & 6/7.
5. P.Pullamma W/o Nagaraju
R/o D.No.6/10.
6. Gopalam Santemma W/o G. Chandrasekhar Raju
R/o D.No.6/10-1.
7. P.Hussainkhan S/o P.Ameerkhan
R/o D.No.4/532.

..... PETITIONERS

AND

1. The District Collector
Cuddapah, Cuddapah Dist-516 001.
2. The Ass.Director Survey & Land Records
Collectorate Complex, Cuddapah-516 001.
3. The Mandal Revenue Officer
Cuddapah-516 001.
4. The Executive Officer

Chemmumiahpet Gram Panchyat, Cuddapah Mandal & Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ or order more in the nature of Writ of Mandamus declaring the action of the respondents in proposing to demolish a part of the houses of the petitioners situated in Survey No.541 situated in Chemmumiahprt Gram Panchyat, Cuddapah Rural Mandal and Dist., without following the due procedure contemplated under law as illegal, arbitrary, violation of principles of Natural Justice and consquently direct the respondents not to demolish the houses of the petitioners situated in Survey No.541 in Chemmumiahpet Gram Panchyat, Cuddapah Rural Mandal and Dist., without following the procedure contemplated under law and pass.

Counsel for the Petitioner: MRSAIBABU BELLAMKONDA,B.SUDHA

Counsel for the Respondent No.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: Sri G.Rama Rao/D.Srinivas.

The Court made the following :

ORDER:

The first petitioner purchased a building bearing D. No.6/1, situated in Sy.No. 541 an extent of Ac.0.05 cents, from the Cuddapah District Co-Op. Central Bank Employees Union, Cuddapah, Cuddapah on 12.7.2001. Subsequently, the building was demolished and a new building was constructed for the society. The other petitioners also purchased certain extents from the same Sy. No. under different transactions. While so, due to the release of water by the respondent on 16.10.2001 during the floods, their property was damaged. The respondents, under the guise of clearing the roads, a5re demolishing part of their houses. It is contended by them that if the respondents want a part of the house for public purpose, they have to issue a notification under the Land Acquisition Act. Apprehending that the respondents may demolish their houses, the petitioners filed the present writ petition seeking declaration that the action of the

respondent in proposing to demolish their houses is arbitrary and illegal.

On the strength of these allegations, this Court while ordering notice before admission ordered interim direction not to demolish the houses of the petitioners.

The learned counsel for the petitioners submits that the intention of the officials of the Government and others was made known in the news papers that the Government is going to forcibly evict the residents of either side of the bund and, therefore, the petitioners have a genuine cause of action to approach this Court. This is refuted by the learned Government Pleader for Revenue, submitting that only Survey was conducted and that though there is a proposal to make the Buggavanka free from encroachments, no action is yet taken. He further does not dispute that any action to evict the petitioners from the land allegedly encroached by them belongs to the Government will have to be in accordance with the provisions of the A.P. Land Encroachment Act, 1905.

Subject to the above observations, the writ petition is dismissed. No order as to costs.

Elipe Dharma Rao, J.

July 7, 2005

MAS.

To

1. The District Collector
   Cuddapah, Cuddapah Dist-516 001.
2. The Ass.Director Survey & Land Records
   Collectorate Complex, Cuddapah-516 001.
3. The Mandal Revenue Officer
   Cuddapah-516 001.
4. The Executive Officer
   Chemmumiahpet Gram Panchyat, Cuddapah Mandal & Dist.

5. Two CCs to the Govt. Pleader for Revenue, A.P. High Court]

Building, Hyderabad.

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